APPENDIX.

Statutes Involved.

The District of Columbia Alley Dwelling Act approved on June 12, 1934, as amended by the Act approved on June 25, 1938, 1929 D. C. Code, Title 25, c. 3, Sections 23 to 30(e) inclusive, reads in part as follows:

"Sec. 23. Alley Dwelling Law; power of President to purchase, condemn, etc., land and buildings to prevent alley dwellings.—

"(a) *It is hereby declared to be a matter of legislative determination* that the conditions existing in the District of Columbia with respect to the use of buildings in alleys as dwellings for human habitation are injurious to the public health, safety, morals, and welfare; *and it is hereby declared to be the policy of the United States* to protect and promote the welfare of the inhabitants of the seat of the Government by eliminating all such injurious conditions by employing all means necessary and appropriate for the purpose; and control by regulatory processes having proved inadequate and insufficient to remedy the evils, it is in the judgment of Congress necessary to acquire property in the District of Columbia by gift, purchase, or the use of eminent domain in order to effectuate the declared policy by the discontinuance of the use for human habitation in the District of Columbia of buildings in alleys, and thereby to eliminate the communities in the inhabited alleys in said District, and to provide decent, safe, adequate, and sanitary habitations for persons or families substantially equal in number to those who are to be deprived of habitation by reason of the demolition of buildings under the terms of this title, and to prevent an acute shortage of decent, safe, adequate, and sanitary dwellings for persons of low income, and to carry out the policy declared in the Act approved May 18, 1918, as amended, of caring for the alley population in the District of Columbia, and to that end it is necessary to enact the provisions hereinafter set forth.

"(b) In order to remedy the conditions and evils hereinbefore recited and to carry out the policy hereinbefore declared, the President is hereby authorized and

empowered to acquire by purchase, gift, condemnation, or otherwise—

"(1) any land, building, or structures, or any interest therein, situated in or adjacent to any inhabited alley in the District of Columbia;

"(2) any land, buildings, or structures, or any interest therein, within any square containing an inhabited alley, the acquisition of which is reasonably necessary, for utilization, by replatting, improvement or otherwise, pursuant to the provisions of sections 23-30e of this title, of any property acquired under sub-paragraph (1) of this subsection; and

"(3) any other land, together with any structures that may be located thereon, in the District of Columbia that may be necessary to provide decent, safe, adequate, and sanitary housing accommodations for persons or families substantially equal in number to those who are to be deprived of habitation by reason of the demolition of buildings pursuant to the provisions of this title.

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"(d) The Authority is hereby authorized and empowered to lease, rent, maintain, equip, manage, exchange, sell, or convey any such lands, buildings, or structures acquired under this title, for such amounts and upon such terms and conditions as it may determine: *Provided*, That sales of real property shall be made at public sale to the highest responsible bidder on terms satisfactory to the Authority after advertising for three consecutive weeks in at least one daily newspaper of general circulation published in the District of Columbia; *Provided, however*, That the Authority may, without advertising, sell such property to a quasi-public institution or agency not organized or operated for private profit at not less than the cost of such property to the Authority, including improvements: *And provided further*, That if any such lands, buildings, or structures are required for the purpose of the United States or of the District of Columbia, they may be transferred thereto upon payment to the Authority of the reasonable value thereof.

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"Sec. 24. Same; designation of 'the authority'; powers; approval of plans; condemnation proceedings.—

"(a) The President may designate for the purpose of carrying out the provisions of sections 23-30e of this title, such official or agency of the Government of the United States or of the District of Columbia (hereinafter referred to as 'the Authority') as in his judgment is deemed necessary or advantageous, and the Authority shall have or obtain all powers necessary or appropriate therefor, including the employment of necessary personal services; but (1) all plans for replatting and/or method of condemnation under the provisions of this chapter shall be submitted to and receive the written approval of the National Capital Park and Planning Commission and of the Board of Commissioners of the District of Columbia: *Provided, however*, That (a) failure of the National Capital Park and Planning Commission or of the Board of Commissioners of the District of Columbia to formally approve or disapprove in writing within sixty days after a plan has been submitted shall be equivalent to a formal approval, and (b) disapproval shall be accompanied by a written statement giving all the reasons for disapproval; and (2) any plan which shall involve action by any department, bureau, or agency of the United States or of the District of Columbia shall be made after consultation with such department, bureau, or agency.

"(b) In the event condemnation proceedings are required to carry out the provisions of sections 23-30e of this title the same shall be conducted in accordance with the provisions of sections 100-110o of this title.

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"Sec. 25. Same; appropriation of funds; 'conversion of inhabited alley fund'; power of 'the Authority' to borrow money; total cost in any square.—

"(a) The President is hereby authorized, in his discretion, to make immediately available to the Authority for its lawful uses and as needed, from the allocation made from the appropriation to carry out the purposes of the National Industrial Recovery Act, contained in the Fourth Deficiency Act, fiscal year 1933, now carried under the title, 'National Industrial Recovery, Federal Emergency Administration of Public Works, Housing, 1933-1935', symbol 03/5666, not to exceed $500,000 of any amount thereof dedicated for low-cost housing and slum clearance projects in the District of

Columbia, to be set aside in the Treasury and be known as 'Conversion of inhabited alleys fund' (hereinafter referred to as the 'fund').

"(b) The Authority is hereby authorized and empowered to borrow such moneys from individuals or private corporations as may be secured by the property and assets acquired under the provisions of section 23-30e of this title, and such moneys, together with all receipts from sales, leases, or other sources, shall be deposited in the fund and shall be available for the purposes of sections 23-30e of this title. The Authority is hereby authorized and empowered to accept gifts of money from private sources; to borrow from the Treasury of the United States not to exceed $1,000,000 in the fiscal year ending June 30, 1939, and a like sum in each of the four succeeding fiscal years, upon such terms and conditions as the President may deem advisable, and appropriations for such purpose are hereby authorized out of the general fund of the Treasury: *Provided*, That the Authority shall be obligated for the payment of interest at the going Federal rate as defined in the United States Housing Act of 1937, chapter 8, Title 42, U. S. C. Sup. IV.

"(c) The fund shall be available annually in such amount as may be specified in the annual appropriation Acts.

"(d) The total amount paid for property or properties acquired, except by condemnation, in any square shall not exceed 30 per centum over and above the current assessed value of all the property or properties acquired, except by condemnation, in such square to carry out the provisions of sections 23-30e of this title.

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"Sec. 26. Same; annual reports of the Authority; alley dwelling forbidden after July 1, 1944; construction or alteration of alley dwelling forbidden, penalty.—

"(a) The objects set forth in section 23 of title shall be accomplished as rapidly as feasible and to this end the Authority shall, in each annual report, set forth what it proposes to do during the next succeeding fiscal year.

"(b) On and after July 1, 1944, it *shall be unlawful to use or occupy any alley building or structure as a dwelling in the District of Columbia.*

"(c) *No alley dwelling shall be constructed in the District of Columbia, nor shall any building or structure be moved, altered, or converted for use as an alley dwelling.*

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"Sec. 30a. Same: definitions.—As used in sections 30a-30e of this title. —

"(a) The term 'housing project' shall mean *any low-rent housing (as defined in the United States Housing Act of 1937, chapter 8, Title 42, U. S. Code)*, the development or administration of which is assisted by the United States Housing Authority.

"(b) The term 'development' shall mean any or all undertakings necessary for planning, financing (including payment of carrying charges), land acquisition, demolition, construction, or equipment, in connection with a housing project, but not beyond the point of physical completion. (June 12, 1934, 48 Stat. 930, c. 465; June 25, 1938, 52 Stat. 1188, c. 691, Sec. 5.)

"Sec. 30b. Same; additional powers of Authority.—In addition to its other powers, the Authority shall have the power to acquire sites for and to prepare, carry out, acquire, lease, and operate housing projects, as defined in section 30a of this title, and to construct or provide for the construction, reconstruction, improvement, alteration, or repair of any such housing project, or any part thereof, in the District of Columbia." (Italics supplied)

The United States Housing Act of 1937, Title 42, c. 8, U. S. C. reads in part as follows:

"Sec. 1401. Declaration of policy. *It is hereby declared to be the policy of the United States* to promote the general welfare of the Nation by employing its funds and credit, as provided in this chapter, to assist the several States and their political subdivisions to alleviate present and recurring unemployment and to remedy the unsafe and insanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of low income, in rural or urban communities, that are injurious to the health, safety, and morals of the citizens of the Nation. (Sept. 1, 1937, c. 896, Sec. 1, 50 Stat. 888.)

"Sec. 1402. Definitions. When used in this chapter—

"(1) Low-rent housing. The term 'low-rent housing' means decent, safe, and sanitary dwellings within the financial reach of families of low income, and developed and administered to promote serviceability, efficiency, economy, and stability, and embraces all necessary appurtenances thereto. The dwellings in low-rent housing as defined in this chapter shall be available solely for families whose net income at the time of admission does not exceed five times the rental (including the value or cost to them of heat, light, water, and cooking fuel) of the dwellings to be furnished such families, except that in the case of families with three or more minor dependents, such ratio shall not exceed six to one.

"(2) Families of low income. The term 'families of low income' means families who are in the lowest income group and who cannot afford to pay enough to cause private enterprise in their locality or metropolitan area to build an adequate supply of decent, safe, and sanitary dwellings for their use.

"(3) Slum. The term 'slum' means any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety, health or morals.

"(4) Slum clearance. The term 'slum clearance' means the demolition and removal of buildings from any slum area.

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"(11) Public housing agency. The term 'public housing agency' means any State, county, municipality, or other governmental entity or public body (excluding the Authority), which is authorized to engage in the development or administration of low-rent housing or slum clearance."

"Sec. 1403. United States Housing Authority—(a) Creation. There is hereby created in the Department of the Interior and under the general supervision of the

Secretary thereof a body corporate of perpetual duration to be known as the United States Housing Authority, which shall be an agency and instrumentality of the United States."

"Sec. 1409. Loans for low-rent-housing and slum-clearance projects. The Authority may make loans to public-housing agencies to assist the development, acquisition, or administration of low-rent housing or slum-clearance projects by such agencies * * *."

"Sec. 1410. Annual contributions in assistance of low rentals—(a) Authorization. The Authority may make annual contributions to public housing agencies to assist in achieving and maintaining the low-rent character of their housing projects. * * * *Provided*, That no annual contributions shall be made, and the Authority shall enter into no contract guaranteeing any annual contribution in connection with the development of any low-rent-housing or slum-clearance project involving the construction of new dwellings, *unless the project includes the elimination by demolition, condemnation, and effective closing, or the compulsory repair or improvement of unsafe or insanitary dwellings situated in the locality or metropolitan area, substantially equal in number to the number of newly constructed dwellings provided by the project; except that such elimination may, in the discretion of the Authority, be deferred in any locality or metropolitan area where the shortage of decent, safe, or sanitary housing available to families of low income is so acute, as to force dangerous overcrowding of such families.*"

"Sec. 1411. Capital grants in assistance of low rentals—(a) Authorization. As an alternative method of assistance to that provided in section 1410, when any public housing agency so requests and demonstrates to the satisfaction of the Authority that such alternative method is better suited to the purpose of achieving and maintaining low rentals and to the other purposes of this chapter, capital grants may be made to such agency for such purposes. The capital grants thus made for any low-rent-housing or slum-clearance project shall be paid in connection with its development or acquisition, and shall be strictly limited to the amounts necessary,

in the determination of the Authority, to assure its low-rent character: *Provided, however, That no capital grant shall be made for the development of any low-rent-housing or slum-clearance project involving the construction of new dwellings, unless the project includes the elimination by demolition, condemnation, and effective closing, or the compulsory repair or improvement of unsafe or insanitary dwellings situated in the locality or metropolitan area, substantially equal in number to the number of newly constructed dwelling units provided by the project;* except that such elimination may, in the discretion of the Authority, be deferred in any locality or metropolitan area where the shortage of decent, safe, or sanitary housing available to families of low income is so acute as to force dangerous overcrowding of such families." (Italics supplied)